

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SCOTT HUTCHISON ENTERPRISES, INC., et al,

Plaintiff

v.

CIVIL ACTION: C-1-01-776

RHODES, INC., et al,

Defendant

SCHEDULING ORDER AND PRE-TRIAL PROCEDURES

Pursuant to the Joint Plan (#127) filed on September 12, 2005, the following schedule is hereby entered and shall control the disposition of the above styled case:

(1) Plaintiff(s) shall comply with Fed. R. Civ. P. Rule 26(a)(2) no later than November 1, 2005. Defendant(s) shall comply with Fed. R. Civ. P. Rule 26(a)(2) no later than December 1, 2005.

Pursuant to the Rule, both parties shall furnish to any opposing party a curriculum vitae, as well as a binding written report of the testimony of the expert witnesses.

(2) The discovery cut-off date is January 30, 2006.

(3) Joint Status Report, including the parties' position as to Mediation, shall be filed by October 10, 2005.

(4) All dispositive Pretrial Motions shall be filed by February 27, 2006. With the dispositive motion, the movant shall file **ELECTRONICALLY** with the Court, ***deliver a courtesy copy to Chambers*** and serve upon opposing counsel Proposed Findings of Fact and Conclusions of Law supporting movant's request for relief. Twenty days thereafter, opposing counsel shall file with the Court and serve with its Response to the dispositive motion a copy of movant's Proposed Findings of Facts and Conclusions of Law highlighted/underlined in the following manner:

- a) Highlight/underline in **BLUE** those Findings of Fact which are true;
- b) Highlight/underline in **YELLOW** those Findings of Fact which are true but irrelevant or unimportant;
- c) Highlight/underline in **RED** those Findings of Fact which are not true; and

d) Highlight/underline in **RED** any misstatement of law contained in the Conclusions of Law.

Opposing counsel may also attach a Counter-Statement of Findings of Fact and Conclusions of Law.

Within ten days thereafter the movant shall file its Reply. If a Counter-Statement of Findings of Fact and Conclusions of Law has been filed, the movant shall serve upon opposing counsel and attach to its Reply a copy of the Counter Statement of Findings of Fact and Conclusions of Law highlighted/underlined in the manner described above.

(5) All non-dispositive motions shall include a Statement of Conference indicating whether the motion is opposed or unopposed.

(6) All proposed orders shall be e:mailed to the following e:mail address: **weber_chambers@ohsd.uscourts.gov**.

(7) Counsel shall file their Proposed Joint Final Pretrial Order by May 5, 2006 and this case shall proceed to trial in June 2006 trial term.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court